

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

- Practitioners associated with the Customer Number: 23416
- OR
- Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

- The address associated with Customer Number: 23416

OR

<input type="checkbox"/> Firm or Individual Name	
Address	
City	State
Country	Telephone
	Zip
	Fax

Assignee Name and Address:

SunGene GmbH & Co. KGaA  
 Corrensstr. 3  
 06466 Gatersleben  
 GERMANY

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Karen Herbers</i>	Date 07.09.05
Name	Karen Herbers	Telephone 039482 760103
Title	Managing Director	

388165

Form PTO-1595  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

**RECORDATION FORM COVER SHEET**  
**PATENTS ONLY**

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Karin HERBERS, Bettina TSCHIERSCH,  
Uwe SONNEWALD, Frederik BORNKE, and  
Horst-Ekkehard NEUHAUS

Additional name(s) of conveying party(ies) attached?

Yes  No

2. Name and address of receiving party(ies)

Name: SunGene GmbH & Co. KGaA

Street Address:

06466 Gatersleben  
GERMANY

3. Nature of Conveyance:

Assignment

Merger

Security Agreement

Change of Name

Other \_\_\_\_\_

Execution Date: July 23, 2003

Additional name(s) & address(es) attached:

Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the new application is: July 23, 2003

A. Patent Application No.(s):

B. Patent No.(s):

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James Remenick  
MORRISON & FOERSTER LLP

Street Address:  
1650 Tysons Blvd., Suite 300

City:  
McLean

State: VA  
Zip: 22102

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed  
 Authorized to be charged to deposit account  
 Authorized to be charged to credit card (Form 2038 enclosed)

8. Deposit account number:

03-1952

(Attach duplicate copy of this page if paying by deposit account)

**DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

James Remenick, Reg. No. 36,902

Name of Person Signing

Signature

November 29, 2004

Date

Total number of pages including cover sheet, attachments, and documents: 3

## **Assignment of Application**

0000053687

**WHEREAS, I (WE)**

*Karin Herbers, Am Hange 6, 06484 Quedlinburg, Germany  
Citizen of Germany*

*Bettina Tschiersch, Ballstr. 26a, 06484 Quedlinburg, Germany  
Citizen of Germany*

*Uwe Sonnewald, Am Hange 6, 06484 Quedlinburg, Germany  
Citizen of Germany*

*Frederik Börnke, Am heiligen Brunnen 2, 06484 Quedlinburg, Germany  
Citizen of Germany*

*Horst-Ekkehard Neuhaus, Im Braumenstück 13, 67659 Kaiserslautern, Germany  
Citizen of Germany*

respectively, have invented certain new and useful improvements in

## METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTS

for which an application for Letters Patent was executed on July 23, 2003

(Application No. \_\_\_\_\_, filed \_\_\_\_\_), and

WHEREAS, *SunGene GmbH & Co. KGaA* (hereinafter referred to as "ASSIGNEE"), having a place of business at 06466 Gatersleben, Germany, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

FURTHER, I (WE) agree that I (WE) will communicate to said ASSIGNEE, or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of **MORRISON & FOERSTER LLP**, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915, the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

0000053687

Date: 23. Juli 2003

Signature of Inventor: KH

Karin Herbers

Date: 23. Juli 2003

Signature of Inventor: Bettina Tschiersch

Bettina Tschiersch

Date: 23. Juli 2003

Signature of Inventor: Uwe Sonnewald

Uwe Sonnewald

Date: 23. Juli 2003

Signature of Inventor: Frederik Börnke

Frederik Börnke

Date: 23. Juli 2003

Signature of Inventor: Horst-Ekkehard Neuhaus

Horst-Ekkehard Neuhaus

Attorney Docket No.: 53262-20097.00

1595		RECORDATION FORM COVER SHEET		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
<b>PATENTS ONLY</b>				
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof				
1. Name of conveying party(ies): Karin HERBERS, Bettina TSCHIERSCH, Uwe SONNEWALD, Frederik BORNKE, and Horst-Ekkehard NEUHAUS Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) Name: SunGene GmbH & Co. KGaA Street Address: 06466 Gatersleben GERMANY		
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		Additional name(s) & address(es) attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Execution Date: July 23, 2003				
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the new application is: July 23, 2003 A. Patent Application No.(s): B. Patent No.(s): Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Name and address of party to whom correspondence concerning document should be mailed: Name: James Remenick MORRISON & FOERSTER LLP  Street Address: 1650 Tysons Blvd., Suite 300		6. Total number of applications and patents involved: 1  7. Total fee (37 CFR 3.41) \$ 40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Authorized to be charged to credit card <small>(Form 2038 enclosed)</small>		
City: McLean State: VA Zip: 22102		8. Deposit account number: 03-1952 <small>(Attach duplicate copy of this page if paying by deposit account)</small>		
DO NOT USE THIS SPACE				
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  James Remenick, Reg. No. 36,902 Name of Person Signing _____ Signature _____ Date November 29, 2004  Total number of pages including cover sheet, attachments, and documents: 3				